

REMARKS

With this Response, Claims 1, 10, 15, 16, 17, 18, 19, 20, 25, 27, and 28 are amended. No new subject matter has been added. Independent Claim 29 is left unamended. Claims 1-29 remain pending.

Further more since at least one independent claim has been left unamended, a second action final is improper "if it includes a rejection, on newly cited art, other than information submitted in an information disclosure statement filed under **37 CFR 1.97(c)** with the fee set forth in **37 CFR 1.17(p)**, of any claim not amended by applicant or patent owner in spite of the fact that other claims may have been amended to require newly cited art. Where information is submitted in a reply to a requirement under **37 CFR 1.105**, the examiner may NOT make the next Office Action relying on that art final unless all instances of the application of such art are necessitated by amendment." See MPEP § 706.07(a).

REQUEST FOR AN INTERVIEW

Applicant believes that the reasons for withdrawing the pending rejections have been articulated in sufficient detail below. However, an interview with the Examiner may give another opportunity for the Applicant's representatives to articulate the reasons thus enabling a speedy resolution of the outstanding issues.

CLAIM REJECTIONS - 35 U.S.C. § 101

The Examiner rejected Claims 15, 16, 17, 18, 19, 25, 27 and 28 under as allegedly failing to comply with 35 U.S.C. § 101.

Claims 15 and 25

The Examiner rejected Claims 15 and 25 stating that the claims fail to fall within the statutory category because they lack the necessary physical articles or objects to constitute a machine or manufacture within the meaning of 35 U.S.C § 101. Although Applicant disagrees with the Examiner, in order to advance the prosecution, Applicant amends claim 15 to include a machine or a manufacture to perform a series of steps which meets the statutory requirement set forth by 35 U.S.C. § 101.

Applicant disagrees with the Examiner's contention that Claim 25 lacks physical articles or objects to constitute a machine or manufacture within the meaning of 35 U.S.C § 101.

Amended Claim 25 recites in part as follows:

- a data output device comprising:
- a user input device operable to receive a user command;
- a display device operable to present a user interface; and
- a processor operable to perform steps of:

The data output device, the user input device, the display device and the processor recited in the above claim are physical articles or objects that constitute a machine or manufacture within the meaning of 35 U.S.C § 101. Thus, Applicant submits that the rejection is improper and requests the rejection be withdrawn.

Claims 15, 16, 17, 18, 19, 27 and 28

The Examiner rejected Claims 15, 16, 17, 18, 19, 27, and 28 as directed to a subject matter including "signals". The Examiner cites that Applicant intends "a machine-readable medium" to include signals. Applicant respectfully disagrees. In fact, the specification defines the term machine-readable medium as "**machine readable medium refers to any computer program product ... including a machine-readable medium that receives machine instructions as a machine-readable signal.**" (See *Specification*, page 35, para. 0335). In other words, machine-readable medium disclosed in the specification receives instructions as a machine-readable signal. The specification does not recite that machine-readable medium includes "signals." Notwithstanding, the claims have been amended to recite "machine readable storage medium". Thus, Applicant respectfully submits that the rejection is improper and requests the rejection be withdrawn.

CLAIM REJECTIONS - 35 U.S.C. § 102

The Examiner rejected Claims 20, and 23-28 under 35 U.S.C § 102(e) as allegedly being anticipated by US Patent No. 7,209,916 B1 by Seshadri et al. [hereinafter, *Seshadri*].

Claims 20, 25, and 27

Current Claims 20, 25, and 27, each recites, among other things, “determining whether a command to modify data conveyance rules is received; if the command to modify has been received, sending a message to the data distribution device indicating that the data conveyance rules are to be modified including identification data for specifying the data conveyance rules that are to be modified; determining if a message specifying a user interface corresponding to a rule template and a parameter associated the data conveyance rules that are to be modified has been received from the data distribution device; if the message specifying a user interface has been received, generating the specified user interface.”

Applicant respectfully submits that *Seshadri* does not teach or suggest at least “determining whether a command to modify data conveyance rules is received” and “if the command to modify has been received, sending a message to the data distribution device indicating that the data conveyance rules are to be modified including identification data for specifying the data conveyance rules that are to be modified,” recited in Claims 20, 25, and 27. At least for that reason, the rejection should be withdrawn.

Seshadri teaches a method of managing subscription data services from several sources to a single client based on user specified rules. Accordingly, the focus of *Seshadri* is on how these rules are processed and not on how changes to the rules are managed. As a result, nothing in *Seshadri* teaches or suggests the particular manner in which the data conveyance rules are managed.

More specifically, *Seshadri* teaches that a particular instance of rule template has to fire or execute when new email messages arrive. (See *Seshadri*, Column 9, lines 51-53). Thus, *Seshadri* fails to teach or suggest “determining whether a command to modify data conveyance rules is received” and “if the command to modify has been received, sending a message to the data distribution device indicating that the data conveyance rules are to be modified including

identification data for specifying the data conveyance rules that are to be modified,” as recited in Claims 20, 25, and 27.

Furthermore, *Seshadri* fails to teach or suggest “determining if a message specifying a user interface corresponding to a rule template and a parameter associated the data conveyance rules that are to be modified has been received from the data distribution device” and “if the message specifying a user interface has been received, generating the specified user interface”. *Seshadri* determines if a new message is an urgent message and then sends the urgent message with other messages in the queue. It also develops a new rule from an interface application that helps the user to create a new rule to move the incoming email message to a specific folder.

According to *Seshadri*, the user invokes an interface application to obtain the user interface to design and specify the parameters for a rule template to move an email message to a specific folder which is not the same as receiving a message from the data distribution device “specifying a user interface corresponding to the rule template and the parameters to be modified” and “generating” that particular user interface” which is based on the “data output device**sending a message ...including identification data for specifying the data conveyance rules that are to be modified,**” as recited in current Claims 20, 25, and 27.

Therefore, for at least the reasons discussed above, Applicant respectfully requests the rejection of Claims 20, 25, and 27 be withdrawn.

Claims 23 and 24

Claims 23 and 24 depend from current independent Claim 20. Applicant respectfully submits that dependent Claims 23 and 24 are allowable over *Seshadri* for at least the same reasons as explained above for current independent Claim 20.

Claim 26

Claim 26 depends from current independent Claim 25. Applicant respectfully submits that dependent Claim 26 is allowable over *Seshadri* for at least the same reasons as explained above for the current independent Claim 25.

Claim 28

The amended Claim 28 depends from amended independent Claim 27. Applicant respectfully submits that amended dependent Claim 28 is allowable over *Seshadri* for at least the same reasons as explained above for the amended independent Claim 27.

CLAIM REJECTIONS - 35 U.S.C. § 103

The Examiner rejected the following claims under 35 U.S.C. § 103(a) as allegedly being unpatentable over *Seshadri*:

- i. Claims 1, 4, 5, 7-9, 11, 14-16, and 19-22 in view of U.S. Publication No. 2002/0032688 A1 of Serrano-Morales et al. [hereinafter *Serrano-Morales*].
- ii. Claims 2, 3, 10, 12, 17, 21, 22, and 29 in view of U.S. Publication No. 2002/0120917 A1 of Abrari et al. [hereinafter *Abrari*]
- iii. Claim 6 in view of *Serrano-Morales* and in further view of U.S. Publication No. 2003/0046282 A1 of Carlson et al. [hereinafter, *Carlson*] and
- iv. Claim 13 in view of *Abrari*.

Claims 1 and 15

Current Claims 1 and 15 each recites, among other things, "determining whether a message indicating that data conveyance rules are to be modified has been received; if the message to modify has been received, identifying a rule template associated with the data conveyance rules based on an identification data, the identified rule template comprising at least one parameter; sending a message specifying a user interface corresponding to the rule template and the parameter associated with the data conveyance rules that are to be modified; determining whether a message comprising a specification of the parameter has been received."

Claims 1 and 15 recite elements similar to the elements recited in current independent Claims 20, 25, and 27. As discussed above, *Seshadri* fails to disclose or suggest at least the above features of Claims 20, 25, and 27. And *Serrano-Morales* fails to cure those *Seshadri* deficiencies. Therefore, at least for that reasons, Applicant respectfully requests the rejections of Claims 1 and 15 be withdrawn.

Claims 4, 5, and 7-9

Claims 4, 5, and 7-9 depend from amended independent Claim 1. Applicant respectfully submits that dependent Claims 4, 5, and 7-9 are allowable over cited references for at least the same reasons as explained above for the current independent Claim 1.

Claim 10

Claim 10 recites elements that are similar to the elements recited in current independent Claims 20, 25, and 27. As discussed above, *Seshadri* fails to disclose or suggest at least the above features of Claims 20, 25, and 27. And *Abrari* fails to cure *Seshadri* deficiencies. Therefore, *Seshadri* and *Abrari*, alone or in combination, fail to disclose or suggest all the elements of current independent Claim 10. Thus, Applicant respectfully requests the rejection of Claim 10 be withdrawn.

Claims 11 and 14

Claims 11 and 14 depend from independent Claim 10. Claims 11 and 14 are allowable over *Seshadri* in view of *Serrano-Morales* for at least the reasons discussed above with regards to Claim 10 and because *Serrano-Morales* does not cure *Seshadri* deficiencies.

Claims 16 and 19

The amended Claims 16 and 19 depend from current independent Claim 15. Claims 16 and 19 are allowable over *Seshadri* in view of *Serrano-Morales* for at least the same reasons as explained above for the amended independent Claim 15 and because *Serrano-Morales* does not cure *Seshadri* deficiencies. Applicant, therefore, respectfully submits that rejections of dependent Claims 16 and 19 be withdrawn.

Claims 20-22

For Claims 20, 21 and 22, the Examiner has failed to explain how the cited references, *Seshadri* and *Serran- Morales* render Claims 20-22 obvious. (See MPEP § 706.02(j).)

Applicant respectfully submits that the rejection of Claims 20, 21, and 22 is improper and therefore requests the rejection be withdrawn.

Claims 2 and 3

Claims 2 and 3 depend from independent Claim 1. Claims 2 and 3 are allowable over *Seshadri* in view of *Abrari* for at least the same reasons as explained above for the amended independent Claim 1 and because *Abrari* does not cure *Seshadri* deficiencies. Applicant, therefore, respectfully submits that rejections of dependent Claims 2 and 3 be withdrawn.

Claim 12

Claim 12 depends from independent Claim 10. Applicant respectfully submits that dependent Claim 12 is allowable over cited references for at least the same reasons as explained above for the independent Claim 10 and because *Abrari* does not cure *Seshadri* deficiencies.

Claim 17

The amended Claim 17 depends from independent Claim 15. Applicant respectfully submits that dependent Claim 17 is allowable over cited references for at least the same reasons as explained above for the amended independent Claim 15 and because *Carslon* does not cure *Seshadri* and *Serrano-Morales* deficiencies.

Claims 21 and 22

Claims 21 and 22 depend from independent Claim 20. Applicant respectfully submits that dependent Claims 21 and 22 are allowable over cited references for at least the same reasons as explained above for the independent Claim 20 and because *Abrari* does not cure *Seshadri* deficiencies.

Claim 29

Claim 29 recites elements that are similar to the elements recited in current independent Claim 10. As discussed above, *Seshadri* fails to disclose or suggest at least the above features of Claim 10. Therefore, Claim 29 is allowable over *Seshadri* for at least the reasons discussed above for current independent Claim 10 and because *Abrari* does not cure *Seshadri* deficiencies. Therefore, whether alone or in combination, the cited references fail to support a rejection of Claim 29 and Applicant requests the rejection be withdrawn.

Claim 6

Claim 6 depends from current independent Claim 1. Therefore, Applicant respectfully submits that the dependent Claim 6 is allowable over cited references for at least the same reasons as discussed above for the current independent Claim 1 and because *Abrari* does not cure *Seshadri* deficiencies. Therefore, the rejection of Claim 6 should be withdrawn.

Claim 13

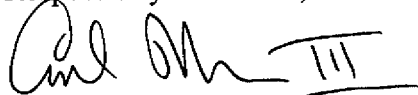
Claim 13 depends from amended independent Claim 10. Therefore, Applicant respectfully submits that the dependent Claim 13 is allowable over cited references for at least the same reasons as discussed above for the current independent Claim 10. Therefore, the rejection of Claim 13 should be withdrawn.

CONCLUSION

It is believed that all of the pending claims have been addressed in this paper. However, failure to address a specific rejection, issue or comment, does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above are not intended to be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment. For at least the foregoing reasons, Applicant respectfully submits that the Examiner's rejections have been overcome and all pending claims are in condition for allowance. Reconsideration and allowance are requested.

If there are any questions regarding these amendments and remarks, the Examiner is encouraged to contact the undersigned at the telephone number provided below. Applicants are concurrently filing herewith a Petition for a one month extension of time with the requisite fee. The Commissioner is authorized to charge any additional fees that may be due, or credit any overpayment of same, to Deposit Account No. 50-0311, Reference No. 34874-358.

Respectfully submitted,



Carl A. Kukkonen, III
Reg. No. 42,773

Date: August 29, 2008

Address all written correspondence to
Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C.
3580 Carmel Mountain Road, Suite 300
San Diego, CA 92130
Customer No. 64280
Phone: 858.314.1500
Fax: 858.314.1501